

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH CHARLES,

Plaintiff,

Case No.: 7:22-cv-05506

v.

LOWE'S OF POUGHKEEPSIE STORE #0541,
LOWE'S HOME CENTERS, LLC, and
LOWE'S HOME CENTERS, INC.,

Defendants.

MEMO ENDORSED

MOTION TO SUBSTITUTE PARTY AND MOTION TO EXTEND TIME TO FILE

RICHARD PUTSIS and JOY SARI, Co-Administrators of the Estate of JOSEPH CHARLES, by their attorneys, the Law Offices of Sobo & Sobo, LLP, respectfully submit a Motion for Substitution pursuant to Federal Rules of Civil Procedure 25 and in conjunction with Federal Rules of Civil Procedure 6(b)(1)(B), to be substituted as party plaintiff and state in support thereof the following:

- 1) The Plaintiff, JOSEPH CHARLES, passed away on July 22, 2023.
- 2) On July 24, 2023, our office informed the Court that Plaintiff had passed away and requested a stay of the proceedings in light of same.
- 3) On July 25, 2023, the Honorable Kenneth M. Karas granted counsel's request staying proceedings.
- 4) On February 6, 2024, paperwork necessary to create an Estate for Joseph Charles was filed with the Dutchess County Surrogates Court.

5) On December 2, 2024, the Honorable Michael G. Hayes of the Surrogates Court for the State of New York, County of Dutchess issued a Decision and Decree granting Limited Letters of Administration naming Richard Putsis and Joy Sari as Co-Administrators of the Estate of Joseph Charles.

WHEREFORE, the reasons contained above, Richard Putsis and Joy Sari as Co-Administrators of the Estate of Joseph Charles, by their attorneys, the Law Offices of Sobo & Sobo, LLP, respectfully request that the Motion for Substitution pursuant to Federal Rules of Civil Procedure 25 and in conjunction with Federal Rules of Civil Procedure 6(b)(1)(B) be granted and that they be substituted as party plaintiff in this matter.

Dated: Middletown, New York
June 2, 2025

Respectfully submitted,

SOBO & SOBO, LLP

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The Court grants Plaintiff's Motion. A "proper party" for substitution in the event of a party's death under Federal Rule of Civil Procedure ("Rule") 25(a)(1), includes a person lawfully designated by the state authority to represent the deceased's estate." *See Gass v. Target*, No. 22-CV-1152, 2023 WL 2919414, at *4 (E.D.N.Y. Mar. 24, 2023). Since Richard Putsis and Joy Sari have been named as co-administrators of the estate, they are appropriate parties for substitution. Furthermore, while ordinarily motions to substitute must be made in 90 days, *see* Fed. R. Civ. P. 25(a)(1), the Court has wide latitude to extend deadlines where the delay was caused by "excusable neglect," *see Gass*, 2023 WL 2919414, at *4. Given the evidence adduced by Plaintiff, the Court concludes that Plaintiff's delay was excusable, and therefore grants the Motion. SO ORDERED.

A handwritten signature in black ink, appearing to be "J. Putsis" or similar, with a stylized flourish at the end.

6/5/2025